

REMARKS/ARGUMENTS

Prior to the entry of this Amendment, claims 1, 2, 4, 6-11, 13, 20, 21, 23, and 25-27 were pending in this application. No claims are amended, no claims are canceled and no claims have been added herein. Therefore, claims 1, 2, 4, 6-11, 13, 20, 21, 23, and 25-27 remain pending in this application. Applicant respectfully requests reconsideration of these claims for at least the reasons presented below.

Requirement for Information

The Final Office Action has made a Requirement for Information under 37 C.F.R. §1.105 regarding the five (5) SiteMinder documents originally cited in an Information Disclosure Statement filed by the Applicants on March 12, 2004. More specifically, the Requirement for Information as stated in the Final Office Action requests, because of the voluminous nature of the references, an explanation of the references. Furthermore, the Final Office Action states that the references have been "placed in the application file, but the information referred to therein has not been considered."

However, the first Office Action dated July 14, 2005 included a copy of the Applicant's Information Disclosure Statement in which the SiteMinder documents were cited. In this copy, dated July 8, 2005, the SiteMinder references were initialed and the Information Disclosure Statement was signed indicating that the references had in fact been considered. Attached is a copy of the Information Disclosure Statement filed by the Applicants, signed and dated by the Examiner July 8, 2005, wherein the Examiner had initialed all of the five (5) SiteMinder documents.

Additionally, as stated in MPEP §704.11(b):

"A requirement may be made at any time once the necessity for it is recognized and should be made at the earliest opportunity after the necessity is recognized. **The optimum time for making a requirement is prior to or with a first action on the merits** because the examiner has the maximum opportunity to consider and apply the response. Ordinarily, **a request for information should not be made with or after a final rejection.**" [emphasis added]

Applicant respectfully argues that if there were a necessity for such information it should have been recognized prior to issuance of the first Office Action and therefore the Requirement for Information should have been made in the first Office Action. Rather, the first Office Action included a signed copy of the Information Disclosure Statement filed by the Applicant with the SiteMinder references initialed indicating that the references had in fact been considered even without the newly required information and in spite of the voluminous nature of the references. Therefore, the Applicants believe that the Requirement for Information is improper and should be withdrawn.

Furthermore, Applicants respectfully argue that the Requirement for Information is not proper as it is made in the Final Office Action. Regarding a Requirement for Information made with or after a final rejection, MPEP §704.11(b) goes on to state:

"A requirement for information **is not proper when no further action would be taken by the examiner.** The reasonable necessity criteria for a requirement for information implies further action by the examiner. This means that **actions in which requirements for information necessary for examination are made should generally be a non-final action because the applicant's reply must be considered** and applied as appropriate." [emphasis added]

In the alternative, assuming for the sake of argument that the Requirement for Information is proper, Applicant respectfully argues that the finality of the Office Action issued January 30, 2006 is not proper. Therefore, Applicant respectfully requests reconsideration and withdrawal of this Requirement for Information and/or withdrawal of the finality of the rejections and issuance of a new, non-final Office Action. A Petition to the Director of

Technical Center 2100 under 37 C.F.R. §1.181, requesting withdrawal of the Requirement for Information, is also being filed contemporaneously with this Amendment.

35 U.S.C. § 103 Rejection, Patterson in view of Zubeldia

The Office Action has rejected claims 1, 2, 4, 8, 9, 11, 13, 20, 21, 23, and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent Application Publication No. 2002/0053023 to Patterson et al. (hereinafter “Patterson”) in view of U. S. Patent No. 6,044,462 to Zubeldia et al. (hereinafter “Zubeldia”). The Applicant respectfully submits that the Office Action does not establish a *prima facie* case of obviousness in rejecting these claims. Therefore, the Applicant requests reconsideration and withdrawal of the rejection.

In order to establish a *prima facie* case of obviousness, the Office Action must establish: 1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine their teachings; 2) a reasonable expectation of success of such a modification or combination; and 3) a teaching or suggestion in the cited prior art of each claimed limitation. See MPEP §706.02(j). However, as will be discussed below, the references cited by the Office Action do not teach or suggest each claimed limitation. For example, none of the references, alone or in combination, teach or suggest determining whether to check a status for a certificate at a check time and, in response to determining to check the status for the certificate at a check time, determining whether to check the status for the certificate in real time.

Patterson “provides a certificate validation mechanism for a network interface.” (page 1, para. 14) Under Patterson, “the certificate validation mechanism maintains a certificate cache that records certificates on which verification of validity has been performed along with an associated indication of validity resulting from the validity verification.” (page 1, para. 14) More specifically, Patterson discloses receiving an email message and extracting a certificate from the received message. (page 3, para. 55) The received certificate is compared to

certificates stored in a user cache. (page 3, para. 56) If the certificate is stored in the user cache, "validity information stored in the certificate in the user cache is extracted and associated with the received message." Page 3-4, para 57) If the received certificate is not stored in the user cache, a message is sent to a public repository to verify the certificate. The results of this verification are stored in the user cache. (page 4, para. 58-59) To maintain reliability of the user cache, certificates are purged from the cache based on the time since the certificate was last verified. However, Patterson does not teach or suggest determining whether to check a status for said certificate at a check time and, in response to determining to check the status for said certificate at a check time, determining whether to check the status for the certificate in real time. Rather, Patterson teaches a single determination, whether the received certificate is already in the user cache.

Zubeldia is directed to "managing key revocation in a cryptographic environment." (Col. 1, lines 7-8) The cited portion of Zubeldia discusses certificates that "typically includes, among other items, the name of the certification authority, the name of the certificate holder, the expiration date of the certificate, the public key of the certificate holder, and the digital signature of the certification authority." (Col. 2, lines 11-19) Zubeldia goes on to describe using periodically published Certificate Revocation Lists (CRLs) to determine whether a certificate has been recently revoked. (Col. 2, line 66 - col. 4, line 18) Zubeldia then goes on to disclose a method in which "certificate validity status is stored and retained in a certificate status history database ('database') that allows for ease of certificate status retrieval" thereby eliminating the need to check CRLs. (Col. 4, line 66 - col. 5, line 9) In this method, the database can be queried by users to determine the validity of a particular certificate.. (Col. 7, line 54 - col. 8, line 58). However, Zubeldia does not teach or suggest determining whether to check a status for said certificate at a check time and, in response to determining to check the status for said certificate at a check time, determining whether to check the status for the certificate in real time. Rather, Zubeldia simply responds to user requests by returning validity information stored in the database.

Independent claims 1 and 20, upon which all other pending depend, both recite in part "determining whether to check a status for said certificate at a check time; and in response to determining to check the status for said certificate at a check time, determining whether to check the status for the certificate in real time." However, neither reference, alone or in combination, teaches or suggests, determining whether to check a status for said certificate at a check time and in response to determining to check the status for said certificate at a check time, determining whether to check the status for the certificate in real time. Rather Patterson teaches a single determination, whether the received certificate is already in the user cache, while Zubeldia simply responds to user requests by returning validity information stored in the database. For at least these reasons, Applicants respectfully request that the rejection be withdrawn and claims 1, 2, 4, 8, 9, 11, 13, 20, 21, 23, and 25-27 be allowed.

35 U.S.C. § 103 Rejection, Patterson in view of Zubeldia Wiener

The Office Action has rejected claims 7, 10 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Patterson in view of Zubeldia as applied above, and further in view of U. S. Patent Application Publication No. 2003/0110376 to Wiener et al. (hereinafter "Wiener").

As discussed above, independent claims 1 and 20, upon which all other pending claims depend, are distinguishable from Patterson and Zubeldia since neither reference, alone or in combination, teaches or suggests determining whether to check a status for said certificate at a check time and in response to determining to check the status for said certificate at a check time, determining whether to check the status for the certificate in real time. Rather Patterson teaches a single determination, whether the received certificate is already in the user cache, while Zubeldia simply responds to user requests by returning validity information stored in the database. Therefore, this rejection is respectfully traversed for at least the reason that claims 7, 10, and 26 depend upon allowable base claims. For at least these reasons, Applicants respectfully request that the rejection be withdrawn and claims 7, 10, and 26 be allowed.

Appl. No. 09/998,914
Amdt. dated: March 29, 2006
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2131

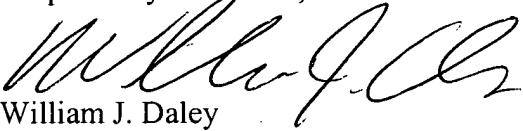
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

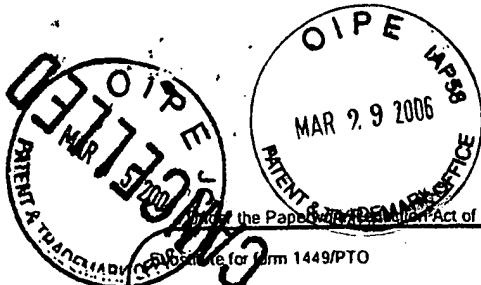
Respectfully submitted,



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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

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Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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Complete if Known

Application Number	09/998,914
Filing Date	November 30, 2001
First Named Inventor	Sinn
Art Unit	2182
Examiner Name	
Attorney Docket Number	OBLX-01039US0

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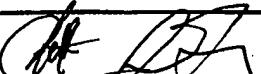
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CS		LEON, McAfee's NetTools Promises to Ease Network Desktop Diagnosis, InfoWorld, San Mateo, 7/24/1995, Vol. 17, Iss. 30, p. 53.	
CS		COONEY, IBM rolls out host- and server-based mgmt. apps, Network World, Framingham, 2/6/1995, Vol. 12, Iss. 6, pp. 6-7.	
CS		WALSH, Remedy releases three applications for help-desk suite, InfoWorld, San Mateo, 4/21/1997, Vol. 19, Iss. 16, p. 34.	
CS		SCHMERSAL, Testing to maintain service standards, Communications News, Nokomis, Mar. 1998, Vol. 35, Iss. 3, pp. 22-23.	
CS		MUSTHALER, The trouble with help desk selection, Network World, Framingham, Feb. 20, 1995, Vol. 12, Iss. 8, pp. 35-39.	
CS		Clear Trust, Unified Access Management, Securant Technologies, Inc., pp. 1-23, 1997.	
CS		SiteMinder Agent Operations, Version 4.0, Netegrity Inc., 1997	
CS		SiteMinder Deployment Guide, Version 4.0, Netegrity Inc., 1997	
CS		SiteMinder Policy Server Operations Guide, Version 4.0, Netegrity Inc., 1997	
CS		SiteMinder Developer's API Guide, Version 4.0, Netegrity Inc., 1997	

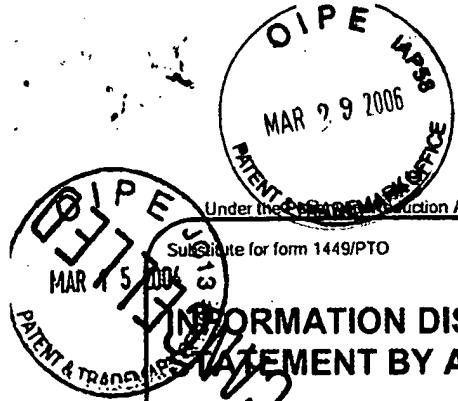
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CJ		SiteMinder Installation Guide, Version 4.0, Netegrity Inc., 1997	

Examiner Signature		Date Considered	7/18/08
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